

AN ORDINANCE

02-O-0167

BY COUNCILMEMBER FELICIA MOORE

AS AMENDED BY CITY UTILITIES COMMITTEE

AN ORDINANCE TO ABANDON PUBLIC STREETS KNOWN AS CLARISSA DRIVE, DREW DRIVE, KERRY DRIVE, KERRY CIRCLE, AND WESTMORELAND CIRCLE LOCATED IN THE HOUSING AUTHORITY OF THE CITY OF ATLANTA, GEORGIA COMMUNITY KNOWN AS PERRY HOMES AND TO CONVEY SAID ABANDONED STREETS AT NO COST TO THE HOUSING AUTHORITY OF THE CITY OF ATLANTA, GEORGIA; TO WAIVE THE PROVISIONS OF SECTION 2-1578 OF THE CITY CODE, PROVIDED HOWEVER, THAT SECTION 2-1578 (c)(3) REQUIRING CERTAIN NOTIFICATIONS AND SECTION 138-9(b) INsofar AS IT PERTAINS TO THE ADVERTISEMENT AND PUBLIC HEARING REQUIREMENT, SHALL NOT BE WAIVED; AND FOR OTHER PURPOSES.

WHEREAS, the City of Atlanta and The Housing Authority of the City of Atlanta, Georgia (the "Housing Authority") for many years have worked as partners to provide adequate housing to the citizens of the City; and

WHEREAS, the Housing Authority is redeveloping Perry Homes into a new mixed-income community; and

WHEREAS, in conjunction with that redevelopment, the Housing Authority is requesting the City of Atlanta to abandon public streets known as Clarissa Drive, Drew Drive, Kerry Drive, Kerry Circle, and Westmoreland Circle, and to convey said abandoned streets to the Housing Authority which is the only abutting property owner; and

WHEREAS, pursuant to Section 5(b) of the 1954 Cooperation Agreement and the 1964 Cooperation Agreement (as amended) by and among the Housing Authority, the City of Atlanta and Fulton County, and Section 5(b) of the 2001 Perry Homes Cooperation Agreement by and among the City, the Housing Authority and Fulton

County, which has been executed by the City of Atlanta, the City has agreed to convey such abandoned streets without cost or expense to the Housing Authority.

THE COUNCIL OF THE CITY OF ATLANTA, GEORGIA HEREBY ORDAINS AS FOLLOWS:

Section 1. The provisions of Section 2-1578 of the Code of Ordinances are hereby waived, provided however that Section 2-1578(c)(3) requiring certain notifications and Section 138-9(b) insofar as it pertains to the advertisement and public hearing requirement, shall not be waived.

Section 2. The public streets and rights-of-way known as Clarissa Drive, Drew Drive, Kerry Drive, Kerry Circle, and Westmoreland Circle, as shown on the attached surveys and as described in the attached legal descriptions, located in the Housing Authority Community known as Perry Homes, are hereby declared no longer useful or necessary for the public's use and convenience and upon the passage of the ordinance, shall thereafter cease to be public streets for any purpose whatsoever and the rights of the public in and to said vacated and abandoned streets shall cease.

Section 3. Any and all reservations for existing public or private utility easements shall remain in effect for the purpose of entering the property to operate, maintain, or replace said utility facilities. These easements shall remain in effect until such time as said utilities are abandoned, removed, or relocated, at which time said easements shall expire.

Section 4. Pursuant to the terms of Section 5(b) of the 1954 Cooperation Agreement and the 1964 Cooperation Agreement (as amended) by and among the Housing Authority, the City of Atlanta and Fulton County, and Section 5(b) of the 2001 Perry Homes Cooperation Agreement by and among the City, the Housing Authority and Fulton County, which has been executed by the City of Atlanta, all of the City's interest in the streets and rights-of-way described in Section 2 is hereby conveyed without cost or expense to the Housing Authority.

Section 5. The Mayor is hereby authorized to execute a quitclaim deed conveying said streets and rights-of-way to the Housing Authority.

Section 6. In accordance with Section 2-1578 (c) (3) of the City Code, appropriate city personnel shall notify utility owners and city departments including but not limited to Police, Fire, Planning, Traffic and Transportation, MARTA, GADOT and maintain a complete response file for summary by the Commissioner of Public Works.

Section 7. Said street abandonments shall be advertised and a public hearing shall be held in accordance with the requirements of Section 138-9(b).

Section 8. All code sections, ordinances, and parts of code sections and ordinances in conflict herewith are hereby waived for the purpose of this ordinance only.

Legal Descriptions Perry Homes Right of Way Abandonment

Legal Description: CLARISSA DRIVE C:\01-A\01-041

All that tract or parcel of land lying and being in land lot(s) 227 and 228 of the 17th Land District of Fulton County, Georgia, which tract is more particularly described as follows.

To find the Point of Beginning Commence at a point on the corners of land lots 227, 228, 246 and 247 and proceed North 81 degrees 20 minutes 15 seconds East for a distance of 1419.15 feet to a point, said point being the point of beginning.

Thence South 40 degrees 52 minutes 13 seconds West, a distance of 226.40 feet to a point at the beginning of a curve tangent to said line; thence along a curve to the right having a radius of 415.84 feet and a distance of 150.20 feet, said curve being subtended by a chord with bearing and distance of South 51 degrees 13 minutes 05 seconds West 149.39 feet to a point; thence South 61 degrees 33 minutes 57 seconds West tangent to said curve, a distance of 632.70 feet to a point; thence South 27 degrees 42 minutes 11 seconds East, a distance of 22.82 feet to a point; thence South 28 degrees 25 minutes 39 seconds East, a distance of 344.50 feet to a point at the beginning of a curve tangent to said line; thence along a curve to the right having a radius of 102.22 feet and a distance of 160.86 feet, said curve being subtended by a chord with bearing and distance of South 16 degrees 39 minutes 24 seconds West 144.77 feet to a point; thence South 61 degrees 44 minutes 28 seconds West tangent to said curve, a distance of 220.82 feet to a point at the beginning of a curve tangent to said line; thence along a curve to the right having a radius of 150.53 feet and a distance of 238.68 feet, said curve being subtended by a chord with bearing and distance of North 72 degrees 50 minutes 01 seconds West 214.45 feet to a point; thence North 27 degrees 24 minutes 29 seconds West tangent to said curve, a distance of 51.94 feet to a point at the beginning of a curve tangent to said line; thence along a curve to the right having a radius of 215.62 feet and a distance of 167.75 feet, said curve being subtended by a chord with bearing and distance of North 05 degrees 07 minutes 12 seconds West 163.55 feet to a point; thence North 17 degrees 10 minutes 05 seconds East tangent to said curve, a distance of 186.86 feet to a point at the beginning of a curve tangent to said line; thence along a curve to the right having a radius of 114.75 feet and a distance of 88.91 feet, said curve being subtended by a chord with bearing and distance

of North 39 degrees 22 minutes 01 seconds East 86.71 feet to a point;
thence North 61 degrees 33 minutes 57 seconds East tangent to said curve, a
distance of 145.03 feet to a point;
thence North 26 degrees 58 minutes 42 seconds West, a distance of 241.98 feet
to a point;
thence North 63 degrees 01 minutes 18 seconds East, a distance of 50.00 feet
to a point; thence South 26 degrees 58 minutes 42 seconds East, a distance of
240.71 feet to a point;
thence North 61 degrees 33 minutes 57 seconds East, a distance of 631.93 feet
to a point at the beginning of a curve tangent to said line;
thence along a curve to the left having a radius of 365.84 feet and a distance of
132.14 feet, said curve being subtended by a chord with bearing and distance of
North 51 degrees 13 minutes 05 seconds East 131.42 feet to a point;
thence North 40 degrees 52 minutes 13 seconds East tangent to said curve, a
distance of 227.45 feet to a point;
thence South 47 degrees 55 minutes 21 seconds East, a distance of 50.01 feet
to a point, said point being the Point of Beginning.

Together with and subject to covenants, easements and restrictions of record,
said property contains 6.26 ACRES, more or less.

And.

LARGE ATTACHMENT:

DOCUMENT(S),

MANUAL(S)

OR

MAP(S)

NOT COPIED,

PULL ORIGINAL

FOR COPY OR TO VIEW